IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION No. 6292 of 1997

Between:

A.Suryanarayana, S/o Laxmana Murthy,
r/o Nagarjunasagar, Nalgonda District.

..... PETITIONER

AND

1 A.P.State Electricity Board,
rep. by its Member Secretary, Vidyut Soudha, Hyderabad.
2 Chief Engineer (Operation & Maintenance),
Srisailam Unit, A.P.S.E.B., Kurnool.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of mandamus or any other appropriate writ declaring that the action of the respondents in not promoting the petitioner to the category of Junior Accounts Officer with effect from October 1994 despite existence of clear vacancies and the petitioner possessing eligibility, is arbitrary and illegal and direct the respondents to promote the petitioner to the category of Junior Accounts Officers with all consequential benefits from the date when the petitioner has acquired the eligibility for promotion and allow the resultant arrears of salary.

Counsel for the Petitioner : Mr.GOPALA RAO GANDRAKOTA

Counsel for the Respondents : Mr. S.Ravindranath, Standing Counsel.

The Court made the following :

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ORDER :

This writ petition is filed by the petitioner seeking a writ of mandamus declaring the action of the respondents in not promoting the petitioner to the category of Junior Accounts Officer with effect from October, 1994 despite existence of clear vacancies and the eligibility of the petitioner as illegal, arbitrary, without jurisdiction and consequently to direct the respondents to promote the petitioner with effect from the date of acquiring eligibility for the promotion with all consequential benefits.

It is stated that the petitioner was originally appointed as Lower Division Clerk (LDC) on 4-9-1973 in the Lower Sileru Project. Later the petitioner along with others was retrenched in the year 1976. Though by virtue of the proceedings issued in B.P.Ms.No.90, dated 3-2-1997 the petitioner and others were taken back, but their seniority was not counted from the date of their original appointment. Therefore, they filed a writ petition and as per the orders of this Court, the petitioner and others were given the benefit of back wages for the retrenched period along with all other consequential benefits, as a result of which his seniority was also counted in the Department from 4-9-1973. It is further stated that the petitioner was promoted as Senior Assistant in the year 1993 and further as Junior Accounts Officer in the year 1999. The grievance of the petitioner is that as per the regulations of the respondents-Board, it has to prepare a panel for every year and then consider the candidates for promotion from out of the panel, with reference to the available vacancies. According to the learned counsel for the petitioner, the respondents-Board has not prepared the panels as required under the Regulations, as a result it did not consider the cases of the eligible candidates for promotion as and when

vacancies had arisen and it is only at a later point of time when the unqualified candidates got qualified, the respondents have considered and promoted them. In fact, the grievance of the petitioner is that even the unqualified candidates, for whom a provision was made originally, which provision was even struck down by the Supreme Court, were considered contrary to the judgment of the Supreme Court. Therefore, learned counsel for the petitioner sought to review the orders of promotion by directing the respondents to prepare panels for every year and consider the promotions pursuant to the panels prepared yearwise. Therefore, the learned counsel contended that the respondents may be directed to review the promotions that were effected. If the promotions already effected were reviewed, the petitioner would get the benefit as prayed for.

The learned standing counsel for the respondents-Board, however, opposed the contention of the petitioner.

Heard both sides and considered the material on record.

In the present writ petition, the petitioner is not questioning any proceedings under which any other employee has been promoted, including any unqualified candidate. Though the petitioner alleges that unqualified candidates have been promoted, when specific order of promotion was not assailed before this Court, it is not open to the petitioner to seek a blanket order to the respondents to review the promotions that were effected long prior to the date of the present writ petition. If the petitioner is aggrieved against any specific proceedings, he ought to have questioned the illegality or infirmity in such proceedings. In the absence of such action on the part of the petitioner, he is not entitled to seek relief to direct the respondents to review the promotion orders that were effected long back.

Under the above circumstances, the writ petition is devoid of merits and accordingly dismissed. However, it is always open to the petitioner to make a representation to the respondent authorities and it is also open to the respondents to consider the said representation in accordance with law. No costs.

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(S.ANANDA REDDY,J.)

4-11-2004.

Msr.

SPECIAL OFFICER.

// TRUE COPY //

SECTION OFFICER

To

1 The Member Secretary, A.P.State Electricity Board,
Vidyut Soudha, Hyderabad.
2 Chief Engineer (Operation & Maintenance),
Srisailam Unit, A.P.S.E.B., Kurnool.

3. 2CD copies

HON'BLE SRI JUSTICE S.ANANDA REDDY

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4-11-2004.

(Msr)